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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,257

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Marco Winter

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EXAMINER

LODHI, ANDALIB FT

ART UNIT

PAPER NUMBER

2163

MAIL DATE

DELIVERY MODE

12/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,257

Applicant(s)

WINTER ET AL.

Examiner

Andalib F. Lodhi

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2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on October 16, 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/26/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/25/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The instant application having Application No. 10/522257 filed on 10/16/2007 has a total of 20 claims pending in the application; there are 3 independent claims and 17 dependent claims, all of which are presented for examination by the examiner.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 16th, 2007 has been entered. Claim 1, 10 and 11 has been currently amended. Claims 2-9 and 12-20 are presently active. No claims have been newly added. As a result, claims 1-20 are now pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed October 16th, 2007 have been fully considered but they are not persuasive. At pages 6-7, concerning claim 1, 10 and 11, Applicant argued that Jahnke et al. and Anderson et al. do not disclose or suggest "at least one of the relations the information describing the descriptor structure includes an indicator for a hierarchical level of each of the portions of the plurality of the common formats within the descriptors".

As to the above argument, Examiner respectfully submits that Jahnke et al. teaches, "at least one of the relations the information describing the descriptor structure includes an indicator

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for a hierarchical level of each of the portions of the plurality of the common formats within the descriptors (As shown in Element Tables and Attribute Table at Paragraphs 0035-0036, ID and ParentID as "at least one of the relation the *information describing the descriptor structure in the relations*" together with elements, attributes, texts of the XML as "*the portion of common formats in relations*" are stored in Element Tables and Attribute Table as "*the relational database*". As further disclosed in the Element Table of Paragraph 0035, the second row includes the Element tag of the XML with ID = 2 as "*an indicator for a hierarchical level e.g., level 2 in the XML, of each of the portions of the plurality of common formats with the descriptors e.g., Element tag is one of elements, attributes and texts*". The second row also includes ParentID = 1 of Element as "*an indicator for a position of a next upper hierarchical portion, e.g., the "Example" tag at level 1, of the plurality of common formats within the descriptors e.g., "Example" tag is one of elements, attributes and texts*").

Examiner respectfully submits that, Applicant have mentioned above on the same page 7 that, " Although in the element table of paragraph [0035] the "ParentID" values are in fact identical to the hierarchical levels of the corresponding elements, they are not indicators of the corresponding hierarchical levels". ParentID values 1-6 are the hierarchical levels to the corresponding element where "Paragraph 0035, the second row includes the Element tag of the XML with ID = 2 as "*an indicator for a hierarchical level e.g., level 2 in the XML*". Level indication values of hierarchical level qualify as indicator.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10 and 12-16 are rejected under 35 U.S.C. 101 because "the database model uses a method" fall under the judicial exception of an abstract idea, where *database model* is nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture, or composition of matter and should be rejected under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Jahnke et al. (EP 1225516 A1).

Regarding claim 1, Jahnke et al. teaches:

a method for "mapping a hierarchical data format with descriptors to a relational database" (As disclosed at Paragraph 0033, the XML file with descriptors, e.g., XML elements including tags and attributes, is "a hierarchical data format with descriptors" is mapped to a relation database as in Paragraphs 0035-0041). The Jahnke et al. method includes the steps:

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separating the descriptors into portions of a plurality of common formats (**The descriptors of the XML as in Paragraph 0033 are separated into portions of a plurality of common formats, e.g., elements, attributes, texts in Paragraph 0034**),

storing the portions of the plurality of common formats in relations in the relational database (**"portions of the plurality of common formats in relations", e.g., elements, attributes, texts are in relations, are stored in "the relational database" as in Paragraphs 0035-0041**),

storing information describing the descriptor structure in the relations together with the portion of common formats in relations in the relational database (**As shown in Element Tables and Attribute Table at Paragraphs 0035-0036, ID and ParentID as "information describing the descriptor structure in the relations" together with elements, attributes, texts of the XML as "the portion of common formats in relations" are stored in Element Tables and Attribute Table as "the relational database"**);

wherein for at least one of the relations (see e.g. [0035]) the information describing the descriptor structure includes an indicator for a hierarchical level of each of the portions of the plurality of common formats with the descriptors, and an indicator for a position of a next upper hierarchical portion of the plurality of common formats within the descriptors (**As shown in Element Tables and Attribute Table at Paragraphs 0035-0036, ID and ParentID as "information describing the descriptor structure in the relations" together with elements, attributes, texts of the XML as "the portion of common formats in relations" are stored in Element Tables and Attribute Table as "the relational database". As further disclosed in the Element Table of Paragraph 0035, the second row includes the Element tag of the XML with ID = 2 as "an indicator for a hierarchical level e.g., level 2 in the XML, of at least one of the portions of the plurality of common formats with the descriptors e.g., Element tag is one of**

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elements, attributes and texts. The second row also includes ParentID = 1 of Element as *"an indicator for a position of a next upper hierarchical portion, e.g., the "Example" tag at level 1, of the plurality of common formats within the descriptors e.g., "Example" tag is one of elements, attributes and texts).*

Claims 10 and 11 are rejected using the same rationale as for the rejection of claim 1 above.

Regarding claim 2, Jahnke et al. teaches:

At least one of descriptor numbers relative positions of the portions of the plurality of common formats within the descriptors, and absolute positions of the portions of the plurality of common formats within the descriptors (see e.g. Paragraph 0012, **note that storing all types of descriptor formats).**

Claims 12 and 17 are rejected using the same rationale as for the rejection of claim 2 above.

Regarding claim 3, Jahnke et al. teaches:

Providing independent relations for the common formats (see e.g. Paragraph 0003).

Regarding claim 4 Jahnke et al. teaches:

method for storing a descriptor index in the relational database (see e.g. Paragraph 0035-0036), which allows storage of additional information for every descriptor (see e.g. Paragraph 0037-0041)

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Regarding claim 5 Jahnke et al. teaches:

At least one of the descriptor numbers, absolute positions of the descriptors within the relations and unique identifiers for the descriptors (see e.g. Paragraph 0035, ID and Parent ID are the descriptor numbers in the relation.).

Regarding claim 6, Jahnke et al. teaches:

Hierarchical data format comprising descriptors corresponds to the Extensible Markup Language (see e.g. Paragraph 0020).

Claim 13 is rejected using the same rationale as for the rejection of claim 6 above.

Regarding claim 7, Jahnke et al. teaches:

Common format comprise at least elements, attributes and text (see e.g. Paragraph 0034).

Claims 14 and 18 are rejected using the same rationale as for the rejection of claim 7 above.

Regarding claim 8, Jahnke et al. teaches:

Common format text is divided into string values and integer values (see e.g. Paragraph 0035-0041).

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Claims 15 and 19 are rejected using the same rationale as for the rejection of claim 8 above.

Regarding claim 9, Jahnke et al. teaches:

The common formats comprise namespace information (see e.g. Paragraph 0014)

Claims 16 and 20 are rejected using the same rationale as for the rejection of claim 9 above.

Conclusion

9. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

10. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andalib F. Lodhi whose telephone number is (571) 270-1759. The examiner can normally be reached on Monday-Friday, 7:30am- 5:00pm, EST Alt Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 19th, 2007

Andalib Lodhi

AL *KBP*

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Kpham

KHANH B. PHAM
PRIMARY EXAMINER